

infringement. In their second amended complaint, the Plaintiffs, for the first time, added Ezra Rahatlev as a Defendant. On February 10, 2006, the Plaintiffs filed their third amended complaint for patent infringement. In their third amended complaint, the Plaintiffs, for the first time, named Miracle of the Dead Sea, Inc., a Minnesota corporation, and Miracle of the Dead Sea, Inc., a California corporation, as Defendants.

On March 13, 2006, Defendants Liat March and Oren Rahatlev filed a motion to dismiss for lack of personal jurisdiction in lieu of filing an answer.¹ Both of these non-resident Defendants argue that they lack sufficient contacts with the State of Texas, and, as such, this court may not exercise personal jurisdiction over them. Having reviewed the evidence presented in light of the appropriate standard, the court finds that it does have personal (general) jurisdiction over Defendant Liat March (a California resident) and Defendant Oren Rahatlev (a New York resident). Both Defendants appear to have conducted business in Texas on a continuous and systematic basis on behalf of the Miracle of the Dead Sea, Inc.

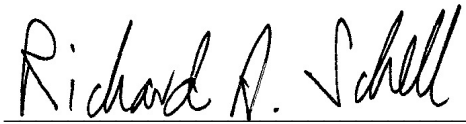
Additionally, Defendants Liat March and Oren Rahatlev waived their personal jurisdiction arguments by permitting their retained counsel, Mr. Morris E. Cohen, to appear on their behalf at a settlement conference conducted on November 3 and 6, 2006 by Magistrate Judge Don D. Bush. *See Adams v. Unione Mediterranea Di Sicurta*, 220 F.3d 659, 667 (5th Cir. 2000) (“... a defendant may waive personal jurisdiction if it authorized another to appear or act on its behalf in court.”). Accordingly, based on the foregoing, the court finds that it has personal jurisdiction over Defendants

¹Defendant Ezra Rahatlev filed his answer on May 31, 2006.

Liat March and Oren Rahatlev.² It is, therefore,

ORDERED that Defendants Liat March and Oren Rahatlev's motion to dismiss for lack of personal jurisdiction and brief in support (docket entry #18) is hereby **DENIED**.

SIGNED this the 29th day of December, 2006.

Handwritten signature of Richard A. Schell in black ink.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE

²Defendants Liat March and Oren Rahatlev argue, in passing, that the "Plaintiffs' dispute is properly with the Miracle of the Dead Sea, Inc., not with its employees or shareholders or officers. What Plaintiffs are apparently trying to do in this lawsuit is to hold both Ms. March and Oren Rahatlev liable for patent infringement simply based on their relationships with Miracle of the Dead Sea, Inc. Yet the Federal Circuit has made plain that "[t]he corporate entity deserves respect and legal recognition unless specific, unusual circumstances justify disregarding the corporate structure.'" Mtn. to Dismiss, p. 6 (citation omitted). Although the Defendants appear to make a compelling argument, such an argument does not affect the issue of personal jurisdiction.